

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5474 of 1997

For Approval and Signature:

Hon'ble MR.JUSTICE S.D.DAVE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

(No. 1 to 5 NO)

AMIN GYMKHANA PRIVATE LTD.

Versus

DISTRICT SUPERINTENDENT OF POLICE.

Appearance:

MR AR MAJMUDAR for Petitioners

MR. M.A. BUKHARI, LD.GOVT PLEADER for Respondent

No. 1, 2, 3

CORAM : MR.JUSTICE S.D.DAVE

Date of decision: 20/11/97

ORAL JUDGEMENT

Leave to amend. Draft amendment is allowed.

Rule. Ld. Govt. Counsel Mr. M.A. Bukhari waives service of rule for the Respondents.

The Petitioners, namely the Club and the director

concerned have presented this petition, asking for the principal prayer for the issuance of a writ of mandamus or any other appropriate writ or direction, restraining the Respondents their agents and servants not to interfere in the game of Rummy being played by the members of the Club within the Club premises.

Ld. counsel Mr. A.R. Majmudar, who appears on behalf of the petitioners, placing reliance upon the Supreme Court decision in The State of Andhra Pradesh, Appellant v. K. Satyanarayana and others, Respondents, A.I.R. 1968 S.C. pg. 825, urges that the game of Rummy is not a game entirely of chance and it is mainly a game of skill, and that, therefore the said game cannot be said to be an offence under the Prevention of Gambling Act, 1987. It is indeed true that the same is the say of the Supreme Court in the said decision. Therefore the contention coming from ld. counsel Mr. Majmudar saying that the game of Rummy is not a game entirely of chance and is mainly a game of skill shall have to be accepted by me.

Certain orders admitting certain petitions raising the very same question have been shown to me. In those matters, while admitting the petitions by way of interim relief the necessary directions have been given. In certain petitions the similar contention of the petitioners therein has been accepted.

Therefore, regard being had to the contentions coming from ld. counsel Mr. Majmudar and the say of the Supreme Court in case of The State of Andhra Pradesh (supra) and the decisions of this Court, it appears that the present petition requires a recognition and the rule requires to be made absolute. I order accordingly and direct that the Respondents shall not interfere with the game of Rummy being played by the members of the Petitioner No.1 Club in the Club premises. These orders shall never preclude the concerned Respondent or the officers working under them from taking appropriate action under appropriate provisions of the relevant law and the rules, if it is found that the member or the members of the Club are playing any other game which could be said to be objectionable or prohibited under the law or the rules. Rule is made absolute to the above said extent. No order as to costs.

/vgn